United Nations A/C.3/71/L.11/Rev.1

General Assembly

Distr.: Limited
16 November 2016

Original: English

Seventy-first session
Third Committee
Agenda item 106
Crime prevention and criminal justice

Argentina, Botswana, Brazil, Colombia, Costa Rica, Mexico and Thailand: revised draft resolution

Preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption

The General Assembly,

Recalling its resolutions 54/205 of 22 December 1999, 55/61 of 4 December 2000, 55/188 of 20 December 2000, 56/186 of 21 December 2001 and 57/244 of 20 December 2002, and recalling also its resolutions 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/207 of 22 December 2005, 61/209 of 20 December 2006, 62/202 of 19 December 2007, 63/226 of 19 December 2008, 64/237 of 24 December 2009, 65/169 of 20 December 2010, 67/189 and 67/192 of 20 December 2012, 68/195 of 18 December 2013 and 69/199 of 18 December 2014 and all relevant Human Rights Council resolutions, including resolution 23/9 of 13 June 2013 and 29/11 of 2 July 2015,[1]

Welcoming the entry into force on 14 December 2005 of the United Nations Convention against Corruption,[2] which is the most comprehensive and universal instrument on corruption, and recognizing the need to continue to promote its ratification or accession thereto and its full and effective implementation,

Stressing the need for States parties to the Convention to give full effect to the resolutions of the Conference of the States Parties to the United Nations Convention against Corruption,

[1] See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. V, sect. A.

[2] United Nations, *Treaty Series*, vol. 2349, No. 42146.

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Bearing in mind the need to promote and strengthen measures to prevent and combat corruption more efficiently and effectively, that the return of assets is one of the main objectives, an integral part and a fundamental principle of the Convention, and recalling article 51 of the Convention, under which States parties shall afford one another the widest measure of cooperation and assistance with regard to asset return,

Recognizing that fighting corruption at all levels and in all its forms is a priority and that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication and sustainable development,

Reaffirming its resolution 70/1 of 25 September 2015, entitled "Transforming our World: the 2030 Agenda for Sustainable Development", in which it adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, its commitment to working tirelessly for the full implementation of this Agenda by 2030, its recognition that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, its commitment to achieving sustainable development in its three dimensions — economic, social and environmental — in a balanced and integrated manner and to building upon the achievements of the Millennium Development Goals and seeking to address their unfinished business,

Reaffirming also its resolution 69/313 of 27 July 2015 on the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda for Sustainable Development, supports and complements it, helps to contextualize its means of implementation targets with concrete policies and actions, and reaffirms the strong political commitment to address the challenge of financing and creating an enabling environment at all levels for sustainable development in the spirit of global partnership and solidarity,

Welcoming, as part of the 2030 Agenda for Sustainable Development, the commitment to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels,

Reaffirming its resolution 70/174 on the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, and welcomes the adoption, at the high-level segment of the Thirtieth Conference, of the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,[3] through which States committed to implement effective measures to detect, prevent and counter corruption, as well as the transfer abroad and laundering of assets derived from corruption, and to strengthen international cooperation and assistance to Member States in the identification, freezing or seizure of such assets, as well as in their recovery and return, in accordance with the United Nations Convention against Corruption, in particular chapter V thereof, and in this regard to continue to discuss

[3] See A/CONF.222/17, chap. I, resolution 1.

innovative modalities to improve mutual legal assistance in order to speed up asset recovery proceedings and render them more successful, while also drawing on the experience and knowledge built through the implementation of the Stolen Asset Recovery Initiative of the United Nations Office on Drugs and Crime,

Recognizing that education plays a fundamental role in the prevention of and fight against corruption, inasmuch as it makes corrupt behaviour socially unacceptable,

Reaffirming the importance of respect for human rights, the rule of law at the national and international levels, the proper management of public affairs and democracy in the fight against corruption,

Acknowledging that good governance, at the national and international levels, has a role in the prevention of and fight against corruption,

Realizing that the fight against corruption at all levels, including by facilitating international cooperation to achieve the purposes enshrined in the Convention, including on asset recovery and return, plays an important role in the promotion and protection of all human rights and in the process of creating an environment conducive to their full enjoyment and realization,

Recognizing that supportive national legal systems are essential in preventing and combating corrupt practices, facilitating asset recovery and returning the proceeds of corruption to legitimate owners,

Recalling that the purposes of the Convention, as set out in article 1, are to promote and strengthen measures to prevent and combat corruption more efficiently and effectively, to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery, and to promote the integrity, accountability and proper management of public affairs and public property,

Recalling article 43, paragraph 1, of the Convention, in which States parties are encouraged, where appropriate and consistent with their domestic legal systems, to consider assisting each other in investigations of and proceedings in civil and administrative matters relating to corruption,

Welcoming the commitment of States parties to the Convention, in particular their determination to give effect to the obligations set out in chapter V of the Convention in order to prevent, detect, deter and recover in a more effective manner the international transfer of proceeds of crime and to strengthen international cooperation in asset recovery,

Recognizing that those who engage in corrupt acts, whether natural or legal persons, should be held accountable and prosecuted by their domestic authorities, consistent with domestic law and the requirements of the Convention, and that all appropriate efforts should be made to conduct a financial investigation into assets illegally acquired by them and to recover such assets through domestic confiscation proceedings, international cooperation for purposes of confiscation or appropriate direct recovery measures,

Acknowledging that the fight against all forms of corruption requires comprehensive anti-corruption frameworks and strong institutions at all levels,

including at the local and international levels, able to undertake efficient preventive and law enforcement measures in accordance with the Convention, in particular chapters II and III, and recognizing the strategic role of a holistic approach to countering corruption, money-laundering and transnational organized crime,

Recognizing that the success of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption depends on the full commitment and constructive engagement of all States parties to the Convention in a progressive and comprehensive process, and recalling in that regard resolution 3/1 of 13 November 2009 of the Conference of the States Parties to the Convention,[4] including the terms of reference of the Mechanism contained in the annex to that resolution, decision 5/1 of 29 November 2013[5] and resolution 6/1 of 6 November 2015[6] of the Conference of the States Parties to the Convention,

Noting with appreciation the commitment of States parties to the Convention to the first review cycle process of the Mechanism, both as countries under review and as reviewing States, as well as the support provided by the United Nations Office on Drugs and Crime in this regard,

Recognizing the launch of the second review cycle of the Mechanism pursuant to paragraph 13 of the terms of reference of the Mechanism and consistent with resolution 6/1 of the Conference of the States Parties to the Convention,

Bearing in mind that the prevention and eradication of corruption is a responsibility of all States and that they must cooperate with one another, with the support and involvement of individuals and groups outside the public sector, such as civil society, non-governmental organizations, the private sector, academia and community-based organizations, if their efforts in this area are to be effective,

Reaffirming that strengthening international cooperation among law enforcement and other relevant agencies is a global imperative in order to effectively prevent and combat transnational corruption,

Affirms the importance of promoting dialogue among central authorities and practitioners prior to the submission of mutual legal assistance requests, which are particularly valuable in investigations of corruption, and coordination and cooperation on asset recovery through inter-agency networks, including regional networks, where appropriate,

Reaffirming its concern about the laundering and transfer of stolen assets and proceeds of corruption, and stressing the need to address this concern in accordance with the Convention,

Expressing concern over illicit financial flows, and related tax evasion, corruption and money-laundering, and their negative impact on the world economy, and inviting Member States to consider developing strategies or policies to combat those practices and to curb the harmful effects of jurisdictions and territories that are uncooperative in tax matters and to strive to eliminate safe havens that create incentives for the transfer abroad of stolen assets and for illicit financial flows,

[4] See CAC/COSP/2009/15, sect. I.A.
[5] See CAC/COSP/2013/18, sect. I.B.
[6] See CAC/COSP/2015/10, sect. I.

Noting the efforts made by all States parties to the Convention in tracing, freezing and recovering their stolen assets, and underlining the need to redouble efforts to assist in the recovery of those assets in order to preserve stability and sustainable development,

Recognizing that States continue to face challenges in recovering assets owing to differences between legal systems, the complexity of multijurisdictional investigations and prosecutions, the limited implementation of effective domestic tools such as non-conviction-based forfeiture for asset recovery, as well as other administrative or civil procedures leading to confiscation, lack of familiarity with the mutual legal assistance procedures of other States and difficulties in identifying the flow of corruption proceeds, and noting the particular challenges posed in recovering the proceeds of corruption in cases involving individuals who are or have been entrusted with prominent public functions, as well as their family members and close associates,

Concerned about the difficulties, particularly the legal and practical difficulties, that both requested and requesting States face in asset recovery, taking into account the particular importance of the recovery of stolen assets for sustainable development and stability, and noting the difficulty of providing information establishing a link between proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases can be difficult to prove,

Recognizing the common difficulties experienced by States parties to the Convention in establishing a nexus between identified assets and the crime from which such assets are derived, and emphasizing the critical importance of effective domestic investigative efforts and international cooperation to overcome such difficulties,

Recognizing also the critical importance of effective international cooperation in efforts to combat corruption, particularly with respect to offences specified in the Convention with a transnational element, and encouraging continued cooperation by States parties, consistent with the requirements of the Convention, in all efforts to investigate and prosecute natural and legal persons, including the use of other legal mechanisms, where appropriate, for offences specified in the Convention and to recover assets related to such offences, consistent with chapter V of the Convention,

Calling upon all States parties to the Convention and, in particular, requested and requesting States, to cooperate to recover the proceeds of corruption and demonstrate strong commitment to ensure the return or disposal of such proceeds in accordance with article 57 of the Convention,

Noting the responsibility of requesting and requested States parties to cooperate to ensure that a greater proportion of the proceeds emanating from corruption are recovered, returned or otherwise disposed of in accordance with the provisions of the Convention,

Concerned that some persons accused of crimes of corruption have managed to escape justice and thus have eluded the legal consequences of their actions and have been successful in hiding their assets,

Taking into account the need to hold corrupt officials accountable by depriving them of the illicit profits and proceeds of their crimes,

Acknowledging the vital importance of ensuring the independence and effectiveness of authorities charged with investigating and prosecuting crimes of corruption and of recovering the proceeds of such crimes by several means, such as establishing the necessary legal framework and allocating the necessary resources,

Acknowledging also the fundamental principles of due process of law in criminal proceedings and in civil or administrative proceedings to adjudicate property rights,

Reiterating its concern about the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and the values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law, in particular when an inadequate national and international response leads to impunity,

Concerned about the negative impact of widespread corruption on the enjoyment of human rights, recognizing that corruption constitutes one of the obstacles to the effective promotion and protection of human rights, as well as to the achievement of the Sustainable Development Goals, and recognizing also that corruption may disproportionately affect the most disadvantaged individuals of society,

Noting with appreciation the ongoing efforts by regional organizations and forums to strengthen cooperation in combating corruption, which aim, inter alia, to ensure openness and transparency, combat domestic and foreign bribery, tackle corruption in high-risk sectors, strengthen international cooperation and promote public integrity and transparency in the fight against corruption, which fuels illicit trade and insecurity and is a tremendous barrier to economic growth and the safety of citizens,

Noting with appreciation also the efforts made by those States that have established national coordination mechanisms between, inter alia, the different levels of their Governments and other actors, such as civil society organizations, the private sector and academia, to prevent and combat corruption,

Noting with appreciation further the efforts of regional organizations and forums to combat corruption, including, inter alia, the Asia-Pacific Economic Cooperation Course of Action on Fighting Corruption and Ensuring Transparency and the Santiago Commitment to Fight Corruption and Ensure Transparency, and the Group of 20 Anti-Corruption Action Plan, the Group of 20 Anti-Corruption Open Data Principles, the Saint Petersburg Development Strategy, the non-binding Guiding Principles on Enforcement of the Foreign Bribery Offence, the Guiding Principles to Combat Solicitation, the Asset Recovery Principles, the asset recovery country profiles and the Asset Recovery Guides,

Noting with appreciation the work of other initiatives in the field of asset recovery, such as the Arab Forum on Asset Recovery, and welcoming their efforts to enhance cooperation between requesting and requested States,

Noting with appreciation also the Lausanne process initiative on practical guidelines for efficient asset recovery, developed by 30 States parties in close

collaboration with the International Centre for Asset Recovery and with the support of the Stolen Asset Recovery Initiative of the World Bank and the United Nations Office on Drugs and Crime, and aimed at developing effective and coordinated approaches to asset recovery for practitioners from requesting and requested States,

Welcoming resolution 6/3 of 6 November 2015 on fostering effective asset recovery and resolution 6/4 of 6 November 2015 on enhancing the use of civil and administrative proceedings against corruption, including through international cooperation, in the framework of the United Nations Convention against Corruption, adopted by the Conference of the States Parties to the United Nations Convention against Corruption at its sixth session, held in St. Petersburg, Russian Federation, from 2 to 6 November 2015,[7]

1. *Welcomes* the holding of the sixth session of the Conference of the States Parties to the United Nations Convention against Corruption in St. Petersburg, Russian Federation, from 2 to 6 November 2015, and also welcomes its report,[8] which reflects the outcomes and contributions of the Conference to promoting the implementation of the Convention;

2. *Condemns* corruption at all levels and in all its forms, including bribery, as well as the laundering of proceeds of corruption and other forms of economic crime;

3. *Expresses concern* about the magnitude of corruption at all levels, including the scale of stolen assets and proceeds of corruption, and in this regard reiterates its commitment to preventing and combating corrupt practices at all levels, in accordance with the United Nations Convention against Corruption;[2]

4. *Welcomes* the fact that 180 States parties have already ratified or acceded to the Convention, thus making it an instrument enjoying a status very close to universal adherence, and in this regard urges all Member States and competent regional economic integration organizations, within the limits of their competence, that have not yet done so to consider ratifying or acceding to the Convention as a matter of priority, and urges all States parties to take appropriate measures to ensure its full and effective implementation;

5. *Urges* all countries that have not yet done so to consider ratifying and acceding to the Convention and encourages parties to the Convention to review its implementation and commit to making it an effective instrument to deter, detect, prevent and counter corruption and bribery, prosecute those involved in corrupt activities and encourage the international community to develop good practices on asset return, and, furthermore, to strive to eliminate safe havens that create incentives for transfer abroad of stolen assets and for illicit financial flows;

6. *Notes with appreciation* the panel discussion on the negative impact of corruption on the enjoyment of human rights, held at the twenty-second session of the Human Rights Council;

7. *Also notes with appreciation* the work carried out under the Mechanism for the Review of Implementation of the United Nations Convention against

[7] See CAC/COSP/2015/10, sect. I.
[8] CAC/COSP/2015/10.

Corruption and by the Implementation Review Group, and urges Member States to continue to support this work and make every possible effort to provide comprehensive information and adhere to the timelines for review as contained in the guidelines for governmental experts and the secretariat in the conduct of country reviews;[9]

8. *Welcomes* the progress made in the first review cycle of the Mechanism and the efforts made by the United Nations Office on Drugs and Crime in support of the Mechanism, and encourages the use of the lessons learned during the first review cycle in order to improve the efficiency and effectiveness of the Mechanism, as well as the implementation of the Convention;

9. *Strongly encourages* States parties to the Convention to engage actively in the second review cycle of the Mechanism on chapter II, preventive measures, and chapter V, asset recovery, of the Convention, and invites them to provide appropriate extrabudgetary resources to contribute to the financing of the second review cycle;

10. *Notes with appreciation* the work of the Open-ended Intergovernmental Working Groups on Asset Recovery, on the Prevention of Corruption and on Review of the Implementation of the United Nations Convention against Corruption and the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption, and encourages States parties to the Convention to support the work of all of these subsidiary bodies of the Conference of the States Parties to the Convention;

11. *Calls upon* States parties to continue and to reinforce the effective implementation of the preventive measures outlined in chapter II of the Convention and in the resolutions of the Conference of the States Parties;

12. *Encourages* all States parties to the Convention to strengthen their commitment to effective national action and international cooperation to give full effect to chapter V of the Convention and to contribute effectively to the recovery of the proceeds of corruption;

13. *Urges* Member States to combat and penalize corruption in all its forms, as well as the laundering of proceeds of corruption, to prevent the acquisition, transfer and laundering of proceeds of corruption and to work for the prompt recovery of such assets in accordance with the principles of the Convention, including chapter V;

14. *Calls upon* States parties to the Convention to make available online, including by considering the use of open data formats, as much government information as feasible, subject to relevant limitations in domestic law, in relation to the implementation of the Convention, in order to enable greater transparency, accountability and efficiency;

15. *Welcomes* the decision of the Conference of the States Parties to the Convention to call upon States parties to give particular and timely consideration to the execution of international mutual legal assistance requests that need urgent action, including those related to the States concerned in the Middle East and North

[9] CAC/COSP/IRG/2010/7, annex I.

Africa, as well as other requesting States, and to ensure that the competent authorities of requested States have adequate resources to execute requests, taking into account the particular importance of the recovery of these assets for sustainable development and stability;[10]

16. *Urges* States parties that have yet to designate a central authority for international cooperation in accordance with the Convention to do so, and to appoint focal points for the purposes of international cooperation and mutual legal assistance in asset recovery, and, where appropriate, encourages States parties to make full use of the network of focal points of the Open-ended Intergovernmental Working Group on Asset Recovery to facilitate cooperation and the implementation of the Convention, as well as the Global Focal Point Network on Asset Recovery, supported by the United Nations Office on Drugs and Crime through the Stolen Asset Recovery Initiative and by the International Criminal Police Organization (INTERPOL);

17. *Encourages* States parties to the Convention to use and promote informal channels of communication and the possibility of spontaneous exchange of information, as permitted by domestic law, in particular prior to making formal requests for mutual legal assistance, by, inter alia, designating officials or institutions, as appropriate, with technical expertise in international cooperation in asset recovery to assist their counterparts in effectively meeting requirements for mutual legal assistance;

18. *Urges* States parties to the Convention to remove barriers to asset recovery, including by simplifying their legal procedures and preventing abuse of those procedures, and also encourages States parties to limit, where appropriate, domestic legal immunities, in accordance with their legal systems and constitutional principles;

19. *Encourages* States parties to the Convention to give full effect to the resolutions, including those on asset recovery, of the Conference of the States Parties to the Convention;

20. *Urges* States parties to the Convention to afford one another the widest possible cooperation and assistance in the identification and recovery of stolen assets and proceeds of corruption and to give particular and timely consideration to the execution of requests for international mutual legal assistance, in accordance with the Convention, and to afford one another the widest possible cooperation and assistance in the extradition of individuals accused of the predicate offences, in accordance with their obligations under the Convention, including article 44;

21. *Also urges* States parties to the Convention to ensure that procedures for international cooperation allow for the seizure and/or restraint of assets for a time period sufficient to preserve those assets in full, pending confiscation proceedings in another State, to ensure that there are adequate mechanisms in place to manage and preserve the value and condition of assets pending the conclusion of confiscation proceedings in another State, and to allow or expand cooperation in the enforcement of foreign seizure and freezing orders and confiscation judgments,

[10] CAC/COSP/2013/18, sect. I.A, resolution 5/3, para. 6.

including through measures to permit recognition of non-conviction-based seizure and freezing orders and confiscation judgments, where possible;

22. *Further urges* States parties to the Convention to take a proactive approach to international cooperation in asset recovery by making full use of the mechanisms provided for in chapter V of the Convention, including initiating requests for assistance, making spontaneous and prompt disclosures of information on proceeds of offences to other States parties and considering making requests for notifications, in accordance with article 52, paragraph 2 (*b*), of the Convention, and, where appropriate, implementing measures to permit the recognition of non-conviction-based forfeiture judgements;

23. *Urges* States parties to the Convention to ensure that reliable beneficial ownership information on companies is accessible to law enforcement agencies and other relevant authorities, including, as appropriate, financial intelligence units and tax administrations, thus facilitating the investigation process and execution of requests;

24. *Encourages* States parties to the Convention to cooperate in order to implement the measures necessary to enable them to obtain reliable information on beneficial ownership of companies, legal structures or other complex legal mechanisms, including trusts and holdings, used to commit crimes of corruption or to hide and transfer proceeds;

25. *Urges* Member States, where appropriate and consistent with their national legal systems, to provide each other with the widest possible assistance in investigations of and proceedings in civil and administrative matters relating to corruption offences, committed by natural or legal persons, including, if appropriate, through mutual legal assistance, for the detection of corruption offences, the identification, freezing and confiscation of assets, and the other purposes established in article 46, paragraph 3, of the Convention;

26. *Calls upon* Member States to take the necessary measures, in accordance with their domestic law, to permit another Member State to initiate civil action in their courts to establish title to or ownership of property acquired through the commission of corruption offences by natural or legal persons, as well as to permit their courts to recognize a civil claim of another Member State for payment of compensation or damages caused by corruption offences and for ownership of confiscated property acquired through the commission of such offences;

27. *Encourages* Member States to prevent and combat all forms of corruption by increasing transparency, integrity, accountability and efficiency in the public and private sectors, and recognizes in this regard the need to prevent impunity by prosecuting corrupt officials and those who corrupt them and to cooperate in their extradition, in accordance with the obligations under the Convention;

28. *Stresses* the need for transparency in financial institutions, invites Member States to work on the identification and tracking of financial flows linked to corruption, the freezing or seizing of assets derived from corruption and the return of such assets, in accordance with the Convention, and encourages the promotion of human and institutional capacity-building in that regard;

29. *Urges* States parties to the Convention to give timely consideration to mutual legal assistance requests relating to the identification, freezing, tracing and/or recovery of proceeds of corruption and to respond effectively to requests for exchange of information related to proceeds of crime, property, equipment or other instruments referred to in article 31 of the Convention situated in the territory of the requested State party, in accordance with the provisions of the Convention, including article 40;

30. *Urges* States, in accordance with the fundamental principles of their legal systems, to develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability, and in this respect encourages legal professionals and non-governmental organizations, where appropriate, to assist businesses, in particular small and medium-sized businesses, to develop codes of conduct and compliance programmes for preventing bribery and corruption and promoting integrity;

31. *Invites* States parties to the Convention to recognize the importance of the involvement of young people and children as key actors in strengthening ethical behaviour, beginning with the identification and adoption of values, principles and actions that make it possible to build a fair and corruption-free society, in accordance with the Convention, and in this regard welcomes the adoption on 29 November 2013 of resolution 5/5 by the Conference of the States Parties to the Convention;[11]

32. *Welcomes* the efforts of Member States that have enacted laws and taken other positive measures in the fight against corruption in all its forms, and in this regard encourages Member States that have not yet done so to enact such laws and to implement effective measures at the national level, in accordance with the Convention;

33. *Notes* the establishment by States of financial intelligence units, and encourages States that have not yet done so to consider establishing such units in accordance with article 58 of the Convention;

34. *Reaffirms* the need for Member States to take measures to prevent the transfer abroad and laundering of assets derived from corruption, including to prevent the financial institutions in both countries of origin and countries of destination from being used to transfer or receive illicit funds, as well as to assist in their recovery and to return such assets to the requesting State, in accordance with the Convention;

35. *Calls upon* Member States to continue to work with all stakeholders in international and domestic financial markets to deny safe haven to assets acquired illicitly by individuals engaged in corruption, to deny entry and safe haven to corrupt officials and those who corrupt them and to enhance international collaboration in the investigation and prosecution of corruption offences, as well as in the recovery of proceeds of corruption;

36. *Urges* all Member States to abide by the principles of proper management of public affairs and public property, fairness, responsibility and equality before the

[11] See CAC/COSP/2013/18, sect. I.A.

law and the need to safeguard integrity and to foster a culture of transparency, accountability and rejection of corruption, in accordance with the Convention;

37. *Invites* Member States to make every effort to prevent and counter corruption and to implement measures aimed at enhancing transparency in public administration and promoting the integrity and accountability of their criminal justice systems, in accordance with the United Nations Convention against Corruption;

38. *Calls for* further international cooperation, inter alia, through the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer and laundering of proceeds of corruption, in accordance with the principles of the Convention, and in this regard encourages close and enhanced coordination, cooperation and synergies between anti-corruption agencies, law enforcement agencies and financial intelligence units;

39. *Also calls* for closer and active collaboration among interested States parties, regional organizations and the United Nations system, including international financial institutions, in identifying commendable practices in effective and coordinated approaches to asset recovery consistent with chapter V of the Convention;

40. *Stresses* the need for further cooperation and coordination among the different international, regional and subregional organizations and initiatives mandated to prevent and combat corruption;

41. *Urges* Member States to take appropriate measures, within their means and in accordance with fundamental principles of their national law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, the private sector and academia, in the prevention of and the fight against corruption and to raise public awareness, through, inter alia, media campaigns, regarding the existence, causes and gravity of and the threat posed by corruption;

42. *Recalls* article 63, paragraph 4 (c), of the Convention, in which it is stated, inter alia, that the Conference of the States Parties shall agree upon activities, procedures and methods of work to achieve the objectives set forth in paragraph 1 of that article, including by cooperating with relevant international and regional organizations and mechanisms and non-governmental organizations, and in this regard invites the Conference of the States Parties to the Convention to give due consideration to the implementation of the above-mentioned provision;

43. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the implementation of the Convention and to discharge its functions as the secretariat of the Conference of the States Parties to the Convention, and also requests the Secretary-General to ensure that the Mechanism for the Review of Implementation of the Convention is adequately funded, consistent with the resolution adopted by the Conference of the States Parties at its sixth session;[12]

[12] CAC/COSP/2015/10, sect. I, resolution 6/1.

44. *Reiterates its call upon* the private sector, at both the international and the national levels, including small and large companies and transnational corporations, to remain fully engaged in the fight against corruption, notes in this context the role that the United Nations Global Compact can play in fighting corruption and promoting transparency, emphasizes the need for all relevant stakeholders, including within the United Nations system, as appropriate, to continue to promote corporate responsibility and accountability, and in this regard welcomes the adoption on 29 November 2013 of resolution 5/6, on the private sector,[13] and the adoption on 6 November 2015 of resolution 6/5, the St. Petersburg statement on promoting public-private partnership in the prevention of and fight against corruption,[8] by the Conference of the States Parties to the Convention;

45. *Recognizes* the important role of business and public-private partnerships in promoting measures to fight corruption, especially measures that support the promotion of ethical business practices in interactions between government, business and other stakeholders;

46. *Encourages* Member States to implement and raise awareness regarding effective anti-corruption education programmes;

47. *Urges* the international community to provide, inter alia, technical assistance to support national efforts to strengthen human and institutional capacity aimed at preventing and combating corrupt practices and the transfer of proceeds of corruption and to facilitate asset recovery and the return and disposal of such proceeds in accordance with the Convention, and to support national efforts in formulating strategies for mainstreaming and promoting anti-corruption efforts, transparency and integrity in both the public and the private sectors;

48. *Urges* States parties and signatories to the Convention to strengthen the capacity of legislators, law enforcement officials, judges and prosecutors to combat corruption and to deal with matters relating to asset recovery, including in the areas of mutual legal assistance, confiscation, criminal confiscation and, where appropriate, non-conviction-based forfeiture, in accordance with national law and the Convention, and civil and administrative proceedings, and to give the highest consideration to providing technical assistance in those fields, upon request;

49. *Encourages* Member States to exchange and share with each other, including through regional and international organizations, as appropriate, information on lessons learned and good practices, as well as information related to technical assistance activities and initiatives in order to strengthen international efforts to prevent and combat corruption;

50. *Encourages* States parties to the Convention to provide regular updates and to expand, where appropriate, the information contained in the relevant databases of knowledge on asset recovery, such as Tools and Resources for Anti-Corruption Knowledge and Asset Recovery Watch, taking into consideration constraints on information-sharing based on confidentiality requirements;

51. *Encourages* the collection and systematization of good practices and tools in the cooperation for asset recovery, including the use and expansion of

[13] See CAC/COSP/2013/18, sect. I.A.

secure information-sharing tools, with a view to enhancing early and spontaneous information exchange insofar as possible and in accordance with the Convention;

52. *Also encourages* the collection of substantial information duly researched and regularly published by recognized organizations and representatives of civil society;

53. *Encourages* States parties to the Convention to make widely available information on their legal frameworks and procedures with regard to asset recovery under chapter V of the Convention, in a practical guide or other format designed to facilitate use by other States, and to consider, where advisable, the publication of that information in other languages;

54. *Calls upon* requesting and requested States with practical experience in asset recovery to develop, as appropriate, in cooperation with interested States and providers of technical assistance, non-binding practical guidelines, such as a step-by-step guide, for efficient asset recovery, with a view to enhancing effective approaches to asset recovery based on the lessons learned from past cases, being mindful to seek to add value by building upon existing work in this area;

55. *Encourages* States parties to the Convention to share approaches and practical experience for the return of assets, consistent with article 57 of the Convention, for further dissemination through the Secretariat;

56. *Encourages* requesting States to ensure that adequate national investigative procedures have been initiated and substantiated for the purpose of presenting mutual legal assistance requests, and in this context encourages requested States to provide, when appropriate, information on legal frameworks and procedures to the requesting State;

57. *Encourages* States parties to the Convention to compile and provide information in accordance with article 52 of the Convention and to take other actions that help to establish the linkage between assets and offences under the Convention;

58. *Notes with appreciation* the Stolen Asset Recovery Initiative of the United Nations Office on Drugs and Crime and the World Bank and its cooperation with relevant partners, including the International Centre for Asset Recovery and INTERPOL, and encourages coordination among existing initiatives;

59. *Requests* the United Nations Office on Drugs and Crime to continue to provide, in collaboration with the World Bank through the Stolen Asset Recovery Initiative and in coordination with other relevant stakeholders, upon request, technical assistance for the implementation of chapter V of the Convention, including by providing direct expertise on policy or capacity-building through the Office's thematic programme on action against corruption, economic fraud and identity-related crime and, where appropriate, regional programmes, using its range of technical assistance tools;

60. *Encourages* Member States to implement effective measures to detect, prevent and counter corruption, as well as the transfer abroad and laundering of assets derived from corruption, and to strengthen international cooperation and assistance to Member States to assist in the identification, freezing or seizure of such assets, as well as in their recovery and return, in accordance with the Convention, in particular V thereof, and in this regard to continue to discuss innovative modalities to

improve mutual legal assistance in order to speed up asset recovery proceedings and render them more successful, while also drawing on the experience and knowledge built through the implementation of the Stolen Asset Recovery Initiative of the United Nations Office on Drugs and Crime and the World Bank;

61. *Encourages* States parties to consider, where appropriate, and in accordance with national law, the opportunity of referring to the draft Lausanne guidelines for efficient recovery of stolen assets in their practice and to continue to exchange practical experiences and consolidate them into a non-binding, step-by-step guide or asset recovery manual, in cooperation with interested States and providers of technical assistance, upon the request of the relevant interested parties;

62. *Notes with appreciation* the work of other initiatives in the field of asset recovery, such as the Arab Forum on Asset Recovery, and welcomes their efforts to enhance cooperation between requesting and requested States;

63. *Also notes with appreciation* the holding of the Anti-Corruption Summit in London in May 2016, at which a number of countries and international organizations committed to accelerating their efforts to effectively address corruption, and invites them to build on the momentum and to continue to implement the commitments they made;

64. *Further notes with appreciation* the outcomes of the Ministerial Meeting of the Organization for Economic Cooperation and Development, held in March 2016, which launched the fourth evaluation phase of the peer review mechanism and recommended active enforcement of anti-corruption laws;

65. *Welcomes* the work of the International Anti-Corruption Academy, a centre of excellence for education, training and academic research in the anti-corruption field, including in the area of asset recovery, and looks forward to its continued efforts in this regard to promote the goals and implementation of the Convention;

66. *Recognizes* the efforts of the Group of 20 in countering corruption at both the global and the national levels, takes note with appreciation of the anti-corruption initiatives outlined in the communiqué of the Summit of the Group of 20, held in Hangzhou, China, on 4 and 5 September 2016, and urges the Group of 20 to continue to engage other States members of the United Nations and the United Nations Office of Drugs and Crime in its work in an inclusive and transparent manner to ensure that initiatives of the Group of 20 complement or strengthen the work being undertaken by the United Nations system;

67. *Requests* the Secretary-General, within existing reporting obligations, to include in his report to the General Assembly at its seventy-third session under the item on crime prevention and criminal justice an analytical section entitled "Preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption", and also requests the Secretary-General to transmit to the Assembly the report of the Conference of the States Parties to the Convention on its seventh session.